

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATHAN SAGE,

Plaintiff,

No. CIV S-04-2015 DFL KJM P

vs.

STEVE KURSE,

Defendant.

FINDINGS AND RECOMMENDATIONS

On November 18, 2005, two orders issued by the court were served upon plaintiff's address of record. The orders was returned to the court by the U. S. Postal Service as undeliverable; one on May 23, 2005 and the other on May 24, 2005. Under Local Rule 83-183(b), plaintiff must keep the court apprised of his current address. Because mail directed to plaintiff was returned by the U.S. Postal Service as undeliverable, and plaintiff failed to notify the court within sixty days thereafter of his current address, the court will recommend that this action be dismissed for failure to prosecute. See id.

Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty

1 days after being served with these findings and recommendations, plaintiff may file written
2 objections with the court and serve a copy on all parties. Such a document should be captioned
3 "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that
4 failure to file objections within the specified time may waive the right to appeal the District
5 Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

6 DATED: September 27, 2005.

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9 UNITED STATES MAGISTRATE JUDGE
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